



## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street  
Saint Paul, Minnesota 55101

Mailing Address:  
P.O. Box 64620  
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900  
TTY: (651) 361-7878  
Fax: (651) 361-7936

October 29, 2012

Republican Party of Minnesota  
525 Park Street, Suite 245  
St. Paul, MN 55103

RE: *Yvonne Selcer v. Republican Party of Minnesota*  
OAH Docket No. 0320-30104

Dear Republican Party of Minnesota:

The enclosed Campaign Complaint was filed with this office on October 29, 2012. The Complaint alleges that the Republican Party of Minnesota violated Minn. Stat. § 211B.06, with respect to campaign material regarding Yvonne Selcer, a candidate in the November 2012 general election for the Minnesota House of Representatives seat in District 48A.

The matter has been assigned for review to Administrative Law Judge Eric L. Lipman. The ALJ is required to make a preliminary determination of whether the complaint constitutes a prima facie violation of chapter 211A or 211B within 1 to 3 business days. "Prima facie" means that the facts alleged are sufficient to show a violation. **You do not need to submit a response at this point. You will be contacted as soon as a prima facie determination is made.**

If the ALJ determines that a prima facie violation has not been shown, the Complaint will be dismissed. If a prima facie violation is demonstrated, the matter will be set for a hearing. **Only the paragraph marked with an "x" below applies to your case.**

**X** This Complaint alleges a violation of Minn. Stat. § 211B.06, or includes a request for an expedited probable cause hearing. If the administrative law judge determines that the complaint establishes a prima facie case, the law requires that the probable cause hearing must be conducted within three business days of the judge's assignment to this matter, or up to seven days, for good cause shown. We will notify you of the date of the probable cause hearing, if one is required.

□ This Complaint alleges a violation of Minn. Stat. Chs. 211A or 211B. If the administrative law judge determines that the complaint establishes a prima facie case, you may request an expedited probable cause hearing, but you must do so immediately, within three business days. If you request an expedited probable cause hearing, it must be conducted within three business days of the request, or within seven days, for good cause shown. If no expedited probable cause hearing is required, the probable cause hearing will be scheduled within 30 days of the judge's assignment to this matter. We will notify you of the date of the probable cause hearing, if one is required.

□ This Complaint alleges a violation of Minn. Stat. Chs. 211A or 211B. It was not filed within 60 days *prior to* the primary or special election, or within 90 days *prior to* the general election to which the complaint pertains. If the administrative law judge determines that the complaint establishes a prima facie case, a prehearing conference and evidentiary hearing will be scheduled. (Under Minn. Stat. § 211B.33, subd. 2(d) no probable cause hearing is required.) We will notify you of the date of a prehearing conference, if one is required.

The complaint process is described in Minn. Stat. §§ 211B.32 – 37 (2012) which can be found on the OAH website at [www.oah.state.mn.us](http://www.oah.state.mn.us). Questions can be directed to one of our staff attorneys at 651-361-7837. The Office of Administrative Hearings fax number is 651-361-7936.

Sincerely,

A handwritten signature in black ink, appearing to read 'Raymond R. Krause', with a large, stylized initial 'R'.

RAYMOND R. KRAUSE  
Chief Administrative Law Judge

Telephone: (651) 361-7900

RRK:mbg

Enclosures: complaint

cc: Yvonne Selcer (letter only)

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
PO Box 64620  
St. Paul, MN 55164-0620

RECEIVED  
12 OCT 29 AM 11:09  
ADMINISTRATIVE  
HEARINGS

**COMPLAINT FORM FOR VIOLATION OF THE FAIR  
CAMPAIGN PRACTICES  
AND CAMPAIGN FINANCE ACTS**

**Information about complaint filer (Complainant)**

Name of complaint filer Yvonne Selcer	
Address 14518 Rocksborough Rd	
City, state, zip Minnetonka, MN 55345	Daytime telephone no. (612) 280-5427
Fax no.	E-mail address yvonne@yvoneselcer.com

**Identify person/entity you are complaining about  
(Respondent)**

Name of person/entity being complained about Republican Party of Minnesota	
Address 525 Park Street	
City, state, zip St. Paul, MN 55103	Daytime telephone no. (651) 222-0022
Fax no.	E-mail address

Give the statutory cite to the part of Minnesota Statutes Chapter 211A or 211B that you believe has been violated. 211B.06

(You will find the complete text of Minn. Stat. Chs. 211A and 211B at the OAH website, [www.oah.state.mn.us](http://www.oah.state.mn.us).)

Date(s) of violation: October 27, 2012 and ongoing.

Date of election or ballot question: November 6, 2012.

Elected office or ballot question involved: Minnesota House of Representatives 48A.

If allowed by law, do you wish to request an expedited probable cause hearing (within 3 business days)? Yes.

### **Nature of complaint**

Explain in detail why you believe the respondent has violated Chapter 211A or 211B. Attach an extra sheet of paper if necessary. Attach copies of any documents that support your allegations. This complaint must be dismissed by the Administrative Law Judge if this submission does not show a prima facie violation of the statutes. "Prima facie" means that the facts you present must be sufficient to show a violation.

1. I am a candidate for the office of State Representative in District 48A, which includes the communities of Minnetonka and Eden Prairie.
2. On Saturday, October 27, 2012, residents of District 48A received by mail a piece of campaign literature (the "Mailer") that the Republican Party of Minnesota prepared and paid for. The Mailer is attached to this Complaint.
3. The Mailer contained the following pertinent statement: "Higher Taxes ... and Now, Failing to Pay Her Own Taxes. Selcer even failed to pay her own 2012 property taxes on time."
4. The Mailer is false. My 2012 property taxes were paid on time.
5. Attached to this Complaint is a true and accurate copy of a printout from the Hennepin County website that demonstrates full and timely payment of my 2012 property taxes. The information from the Hennepin County website is, and has been, available to the public.
6. The Mailer constitutes "paid political advertising or campaign material with respect to the personal or political character or acts of a candidate" that is "designed or tends to elect, injure, promote, or defeat a candidate for nomination or election to public office" pursuant to Minn. Stat. § 211B.06, subd. 1.
7. The Republican Party of Minnesota intentionally participated in the preparation, dissemination, and broadcast of the Mailer.
8. The Republican Party of Minnesota knew when it intentionally participated in the preparation, dissemination, and broadcast of the Mailer that my 2012 property taxes had been paid fully and on time – and that the allegation of late payment in the Mailer was false.
9. The Republican Party of Minnesota participated in the preparation, dissemination, and broadcast of the Mailer with reckless disregard of whether the allegation of my late payment of 2012 property taxes was false.

10. The Mailer risks damaging or has already damaged not only my own personal reputation, but the reputation of my husband Chuck Selcer – a CPA who has lectured nationwide on the subject of ethics.
11. To my knowledge, my husband and I have never failed to pay our property taxes fully and on time.

**Oath:**

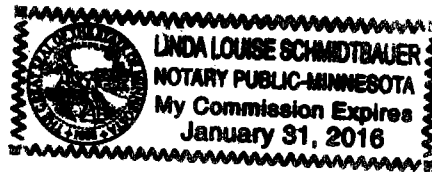
I, Yvonne Selcer, under penalty of perjury, swear or affirm that the statements I have made in this complaint are true and correct to the best of my knowledge.

Yvonne Selcer  
Signature of person filing complaint  
(Sign in front of Notary Public)

October 29, 2012  
Date

Sworn/affirmed before me  
this 29<sup>th</sup> day of October, 2012

Linda Schmidtbauer  
Notary Public/Seal



Send completed form and check for \$50 filing fee made payable to: Office of Administrative Hearings. If you are financially unable to pay the filing fee, you may submit an *in forma pauperis* affidavit (available on the OAH website) instead.

Complaints may be submitted to the OAH by personal delivery, U.S. mail or fax (651-361-7936). Complaints are not deemed filed until both the complaint form and filing fee are received at the Office of Administrative Hearings. Because the Office of Administrative Hearings closes at 4:30 p.m., anything received after that time will be deemed received the following business day.

If you have questions call an OAH staff attorney at 651-361-7837.

This document is available in alternative formats to individuals with disabilities by calling 651-361-7840. For TTY/TDD communication contact us at 651-361-7878.

Minn. Stat. § 211B.33, subd. 1 and 2 (prima facie review) provides as follows:

Subdivision 1. (TIME FOR REVIEW.) The chief administrative law judge must randomly assign an administrative law judge to review the complaint. Within one business day after the complaint was filed with the office, when practicable, but never longer than three business days, the administrative law judge must make a preliminary determination for its disposition.

Subd. 2. (RECOMMENDATION.) (a) If the administrative law judge determines that the complaint does not set forth a prima facie violation of chapter 211A or 211B, the administrative law judge must dismiss the complaint.

- (b) If the administrative law judge determines that the complaint sets forth a prima facie violation of section 211B.06 and was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge must conduct an expedited probable cause hearing under section 211B.34.
- (c) If the administrative law judge determines that the complaint sets forth a prima facie violation of a provision of chapter 211A or 211B, other than section 211B.06, and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge, on request of any party, must conduct an expedited probable cause hearing under section 211B.34.
- (d) If the administrative law judge determines that the complaint sets forth a prima facie violation of chapter 211A or 211B, and was filed more than 60 days before the primary or special election or more than 90 days before the general election to which the complaint relates, the administrative law judge must schedule an evidentiary hearing under section 211B.35.



**Hennepin County, MN**  
**HENNEPIN COUNTY TREASURER**  
 A600 Government Center  
 Minneapolis MN 55487- 0060

**Property Tax Information**

*The Hennepin County Property Tax web database is updated  
 daily (Monday - Friday) at approximately 9:15 p.m. (CST)*

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**Property ID No.:** 28-117-22-11-0011 HOMESTEAD  
**Property Address:** 14518 ROCKSBOROUGH RD MINNETONKA  
**Owner Name:** C & Y M SELCER  
**Taxpayer Name and Address:** CHARLES & YVONNE SELCER  
 14518 ROCKSBOROUGH RD  
 MINNETONKA MN 55345

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2012 TAXES	TAX	PENALTY	TOTALS
1st Half Tax (Due Date May 15)	\$4,303.75		
2nd Half Tax (Due Date October 15)	\$4,303.75		
Penalty		\$0.00	
Total Payable	\$8,607.50	\$0.00	\$8,607.50
Net Paid - YEAR TO DATE	\$8,607.50	\$0.00	\$8,607.50
Total Due	\$0.00	\$0.00	\$0.00

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<b>Property ID No.:</b> 28-117-22-11-0011	<b>1st Half Tax Due through 10/31/2012</b>	\$0.00
<b>Note:</b> Per Minnesota Statue 279.01 due dates; penalties. The county treasurer may accept payments of more or less than the exact amount of a tax installment due. Payments must be applied first to the oldest installment that is due but which has not been fully paid. If the accepted payment is less than the amount due, payments must be applied first to the penalty accrued for the year of the installment being paid.	<b>2nd Half Tax Due through 10/31/2012</b>	\$0.00
	<b>Total Due - 2012 Tax</b>	\$0.00

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**There are no prior year taxes due on this property.**



# KIRK STENSRUD

*Cleaning Up St. Paul's Fiscal Mess.*

*Spending – Under Control.*

Kirk helped turn a state deficit into a surplus, helping Minnesota's economy to get working again.<sup>6</sup>

*Taxes – Reined In.*

Kirk helped secure needed property tax relief for Minnesota's homeowners and small businesses to give job creators the support they need to start hiring.<sup>7</sup>

*Jobs – More of Them.*

Kirk is a successful small businessman whose common sense plan for more fiscal responsibility is a recipe for success for Minnesota's economy.

*Vote*

**KIRK STENSRUD** *for State Representative*  
**TUESDAY, NOVEMBER 6<sup>TH</sup>**



# Not a Good Custodian of Our Tax Dollars.

On the Hopkins school board, Selcer grew the school district's debt by more than 120% – and violated state fiscal policies by overspending.<sup>1</sup>

With the district in crisis, Selcer still wanted to spend – and consistently cooked up big spending increases.<sup>2,3</sup>

Selcer voted for a 25% increase in property taxes on west-metro families – but failed to spend even HALF of the district’s budget in the classroom.<sup>4</sup>

Selcer even failed to pay her own 2012 property taxes on time. If Selcer is so fiscally irresponsible at home, how can we trust her with our tax dollars in St. Paul?<sup>5</sup>



# TAXPAYERS CAN'T TRUST YVONNE SELCER.

Paid for by Republican Party of Minnesota  
525 Park Street  
St. Paul, MN 55103

This is an independent expenditure not authorized  
or approved by any candidate or candidate's committee.

026\*002\*\*\*\*\*ECPLOT0206A\*\*C007  
MARY SAUER  
OR CURRENT RESIDENT  
7588 EILEEN ST  
EDEN PRAIRIE, MN 55346-4420

NONPROFIT  
ORG  
U.S. POSTAGE  
**PAID**  
REPUBLICAN  
PARTY OF MN